

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES S. LONGSHORE,

Plaintiff,

V.

MASON COUNTY JAIL et al.

Defendants.

CASE NO. C12-5457 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

The District Court has referred this 42 U.S.C. §1983 civil rights action to the undersigned Magistrate Judge. The authority for the referral is found in 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

Plaintiff asks that the Court appoint counsel to represent him (ECF No. 37). This is the third time that plaintiff has filed a motion for appointment of counsel. *See* (ECF No. 15 and 19).

The Court explained the criteria for appointment of counsel to plaintiff when it denied his first two motions (ECF No. 25). The Court explained that counsel is only appointed in exceptional circumstances and that the Court is required to evaluate both the ability of plaintiff to articulate his claims, and his likelihood of success on the merits (ECF No. 25, page 2, *citing*

¹ *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980)).

3 Plaintiff has not made any showing of his likelihood to succeed on the merits. Further,
4 despite his argument that incarceration and segregation hinders his access to a law library, he
5 articulates his claims fully in his motion and memorandum in support of his motion (ECF No. 37
6 and 38). Plaintiff alleges he has been subjected to untimely and inadequate dental care. Plaintiff
7 alleges that he has been subjected to unconstitutional conditions of confinement including, being
8 forced to sleep on the floor for eleven days, being placed in unsanitary cells, and being denied
9 cleaning supplies (ECF No. 37, page 1). Plaintiff also alleges retaliation for the filing of this
10 action and denial of equal protection of the law. *Id.* Plaintiff is articulate and able to present his
11 issues to the Court. Plaintiff's motion for appointment of counsel is denied.

Dated this 10th day of January, 2013.

J. Ward (matina)

J. Richard Creatura
United States Magistrate Judge